

FILED
U.S. DISTRICT COURT

2019 AUG 21 P 1:22

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Case: 2:19-cv-00579
Assigned To : Parrish, Jill N.
Assign. Date : 8/20/2019
Description: Kelly v. USA et al

RECEIVED CLERK

AUG 19 2019

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH
SALT LAKE CITY DIVISION

STEPHEN P. KELLY,
850 W. LINCOLN RD., #9.
HELENA, MT 59602,
Plaintiff,

VS.

THE UNITED STATES OF AMERICA,
and NANCY LEAL AISALANOA, in
her official capacity,
351 S. West Temple.
Salt Lake City, UT 84101,
Defendants.

COMPLAINT

comes now The plaintiff in the above styled action and does show cause for complaint as follows.

(1) This is an action sustained by, STEPHEN P. KELLY, hereinafter, Plaintiff KELLY, and vses the defendant's jointly, THE UNITED STATES OF AMERICA, and, NANCY LEALAISALANOA, in her official capacity, alleging, (a) deprivation of disclosure, and, (b) discrimination against a specific class.

PARTIES

(2) Plaintiff, STEPHEN P. KELLY, is a former member of the church of Jesus christ of Latter Day Saint's, and

obtains a sincere interest in the pending lawsuit in this concise court, entitled, Laura Gaddy, vs. Corporation of the president of the church of Jesus christ of Latter Day Saints.

(3) Plaintiff, KELLY, is a pauper, and exists as an indigent person at this time.

(4) Defendant, UNITED STATES OF AMERICA, obtains official oversight of a federal governmental entity, the, (CLERK of COURT), for the district of Utah.

(5) Defendant, NANCY LEALAISALANOA, acts in her official capacity, and exists as a deputy clerk, for the United States District Court, for the district of Utah, SALT

Lake city division.

JURISDICTION AND VENUE

(6) This court obtains primary jurisdiction over this case, in that, all defendant parties exists as employees of the United States of America.

(7) Further jurisdiction of this court is based upon diversity of citizenship, where the parties are citizens of different states. 28 U.S.C. § 1332.

(8) This court further obtains subject matter jurisdiction over this case, based upon, Bivens vs. Six unknown named agents

of fed. Bureau of
Narcotics, 403 U.S. 388 (1971).

(9) Venue is proper in
the district of Utah,
because each event giving
rise to this action
occurred in the district
of Utah. 28 U.S.C. 1391.

STATEMENT OF FACTS

(10) Plaintiff KELLY, seeks
a declaratory judgement,
and injunctive relief
from this honorable court.

(11) Plaintiff KELLY, most
recently terminated his
lengthy membership with
the L.D.S., church, where
he in fact held the office
of priest.

(12) Plaintiff KELLY, in fact suffered the exact same issues as Laura Gaddy did, in the currently pending case of Gaddy vs. corporation of the president of the church of Jesus Christ of Latter-day Saints, case # 2:19-cv-00554-ESF.

(13) This concise action per plaintiff KELLY, seeks an order per this honorable court as to him obtaining a copy of solely the civil complaint portion of the Laura Gaddy, civil complaint, in this same court.

(14) Plaintiff KELLY, in fact is in need of this specific copy sufficing that he may file a related lawsuit against the L.D.S. church, in the United States district court for the

District of Montana.

(15) Plaintiff KELLY, in fact addressed a letter of request to the clerk of this court, and received a response per defendant, LEALAISALANO, denying him a mere courtesy copy of the Gaddy complaint portion. (See copy of clerk's letter).

(16) Plaintiff KELLY, is of a poverty class, and is a pauper, and in that, the defendant's, are (a), depriving him of disclosure of copies, and, (b), are in fact discriminating against him because of his poverty class.

(17) Plaintiff KELLY, cannot afford the financial costs for the copies at which he is seeking, and he exists as a pauper.

WHEREFORE, upon the premises considered, Plaintiff KELLY, respectfully request upon this honorable court the entry of an order directing the clerk of this court to furnish copies of solely the complaint portion of the Gaddy Lawsuit, and to waive the copy fees, as such.

I declare under penalty of perjury, the foregoing to be true and correct.

Signed this 14th day of August, 2019.

Stephen P. Kelly
(signature of Plaintiff)